

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK MCGIVNEY,

Petitioner,

Case No. 10-13302

v.

Honorable Patrick J. Duggan

SHERRY BURT,

Respondent.

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**ORDER GRANTING PETITIONER'S MOTION TO REPRESENT HIMSELF**

On August 20, 2010, Mark McGivney ("Petitioner"), a state prisoner incarcerated at the Pugsley Correctional Facility, in Kingsley, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his convictions for seven counts of child sexually abusive activity, in violation of Michigan Compiled Laws § 750.145c(2), and seven counts of using a computer to commit a crime, in violation of Michigan Compiled Laws § 752.797(3)(f). Before the Court is Petitioner's motion to represent himself.

"In all courts of the United States the parties may plead and conduct their own cases personally or by counsel . . ." 28 U.S.C. § 1654. Petitioner filed his petition *pro se*. The Court has not appointed counsel, and no attorney has entered an appearance or attempted to do so on Petitioner's behalf. The Court grants Petitioner's motion, and will allow him to continue to represent himself in this matter.

Also referred to in the motion is Petitioner's attempt to obtain access to a typewriter,

typewriter supplies, and dictionaries. To the extent that Petitioner challenges a condition of his confinement, such as his right of access to the courts, a habeas corpus petition is not the proper vehicle for doing so. *See Preiser v. Rodriguez*, 411 U.S. 475, 499, 93 S. Ct. 1827, 1841 (1973).

Accordingly,

**IT IS ORDERED** that Petitioner's request to represent himself is **GRANTED**;

**IT IS FURTHER ORDERED** that Petitioner's request for a typewriter, typewriter supplies, and dictionaries is **DENIED**.

Date: September 14, 2011

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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7401 East Walton Road  
Kingsley, MI 49649

Mark G. Sands, A.A.G.